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ABSTRACT

The "Adams" case, which has resulted in a court-ordered mandate, marks the first attempt to utilize the principles established in the Brown decision for public higher education. The mandate, which calls for southern and border States to eliminate the vestiges of racial dualism by desegregating their systems of public higher education, dispells the notion that this nation's public colleges and universities were desegregated long ago or that black and white colleges have been received as full partners in the delivery of educational services within State systems of higher education. In addition, criteria prepared by the Department of Health, Education, and Welfare for implementing the mandate represent the most comprehensive attempt to date by the Federal Government to provide specific guidelines for desegregating institutions of higher education. Although weaknesses exist in the criteria and specific considerations must be dealt with by the States involved if the intended outcomes are to become realities, the "Adams" mandate, if implemented and supported, will go a long way toward promoting the elimination of inequities which have worked against the achievement of social justice for blacks and other minorities. (Author/EB)

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THE ADAMS MANDATE: A BLUEPRINT FOR REALIZING EQUAL EDUCATIONAL OPPORTUNITY AND ATTAINMENT

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The most important legal actions to affect the educational hopes and aspirations of blacks and other minorities since the Brown decisions of the mid-50's originate from the decisions emerging from the Adams case. Now a mandate, the Adams case is especially important to the interests of black Americans because it seeks to 1) increase access to public higher education in those states that formerly operated dual systems of higher education; 2) formulate policies to insure that the participation and completion rates for blacks increase throughout public higher education; and 3) strengthen and enhance historically public black colleges so that they become full partners in the delivery of educational services to their states, regions, and the nation.

The Adams case was filed by the NAACP Legal Defense Fund (LDF) in 1970, because LDF felt that 1) HEW was not enforcing Title VI of the 1964 Civil Rights Act against those states operating dual systems of higher education that perpetuated the vestiges of racial segregation, and because 2) if the decision were left to the Nixon administration (then in control), HEW would never enforce Title VI. Title VI prohibits federal support to public educational institutions that practice segregation and discrimination.[1]

In October 1970, John Herbers, in a "special" to The New York Times, dramatically brought to public attention the charge "HEW DEFAULT ON INTEGRATION CHARGED IN SUIT". The descriptive title continued, "Civil Rights Forces Accuse U.S. of Laxity in the Use of School Funds Cutoff". Under the dateline Washington, October, 19, Herbers wrote:

> Civil rights forces filed a law suit today charging the Department of Health, Education and Welfare with 'general and calculated default' in its enforcement of a law that forbids racial discrimination in the use of federal education funds.
>
> The suit, sponsored by the Legal Defense Education Fund, and filed in Federal District Court here, asked that the court substantiate the charge and issue an injunction requiring stronger enforcement.[2]

Pertinently, the Herbers "special" noted that the LDF had filed a class action suit, also citing that the government's action in regard to higher education only was challenged, and that, although Title VI had been described as the "atomic bomb" in Civil Rights arsenal, it had not been fully activated against colleges, nor had the special homing qualities (which allowed Title VI to go wherever federal funds went) been allowed to become fully operational.

Although the federal courts had managed to facilitate the development of equitable solutions to the problem of implementing public school desegregation, prior to Adams the courts really had not been involved in methods fashioning equitable solutions for desegregating public higher education. LDF, because of its previous success in pursuing legal action to desegregate public schools, felt that legal action would result in a remedy that would force HEW to enforce the provisions of Title VI in higher education.

During the Adams litigation, it became clear that both the court and legal representatives would experience difficulties in deciding upon an equitable approach to the desegregation of higher education. Part of the difficulties experienced were attributed to the problem of intervening in an area generally reserved by the constitution to state governments; however, most of the difficulties encountered resulted because of the complexities inherent in determining higher education policies and practices. For example, the "rules of the game" in higher education are determined and controlled by

a variety of authorities (e.g., coordinating boards, institutional boards, legislatures) that do not often share the same perceptions about the function and purpose of public higher education. Moreover, unlike public schools, participation in American higher education is neither required nor compulsory. As a result, dictates established in Brown, which subsequently led to the use of racial percentages to desegregate public schools, are difficult to apply to higher education.[3] Thus, the Adams case, which has produced a court-ordered mandate, marks the first attempt to utilize principles established in Brown which lead to the desegregation of public higher education[4].

The mandate of the Adams case, which calls for southern and border states[5] to eliminate the vestiges of racial dualism by desegregating their systems of public higher education, dispells the notion that this nation's public colleges and universities were desegregated long ago or that black and white public colleges have been received as full partners in the delivery of educational services within state systems of higher education. Rather, what has existed (and, as the Adams plaintiffs pointed out, still exists) is the peculiar condition whereby public colleges and universities are viewed by whites and blacks as "ours" and "theirs".

More importantly, the adjudication of the Adams case revealed that predominantly white colleges and universities have neither been responsive nor committed to providing sufficient access to blacks who wish to enter higher education or to benefit from a comprehensive array of higher education opportunities. Thus, the Adams mandate reemphasizes what many observers of the educational scene have attempted to ignore: that historically black public colleges,[6] without benefit of full support and equal treatment by white controlled state governments and coordinating boards, have responded positively in meeting the educational aspirations of blacks and other minorities (see

Figure 1). Data emerging out of the Adams debate illustrated the important role public black institutions play in providing access to educational opportunities for blacks. This historic commitment has resulted in these institutions being responsible for graduating a disproportionately high number of all blacks earning baccalaureate degrees. For example, Mingle reports that historically black colleges still award about 69 percent of all bachelor's degrees earned by blacks, even though black schools have only 43 percent of the black college enrollment.[7]

HEW's Desegregation Criteria Explicate The Adams Mandate

After a long process of legal maneuvering, on July 5, 1977, the Adams court released guidelines by which the defaulting states were to prepare their systemwide desegregation plans for compliance with the requirements of Title VI and meet the objectives of the litigation. Prepared by HEW, with the approval of LDF, the guidelines are entitled "Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education".

Although revised in 1978, HEW's criteria represent the most comprehensive attempt to date by the federal government to provide the Adams states with specific guidance for desegregating their systems (e.g., 4-year, 2-year, and post-baccalaureate) institutions of higher education. To facilitate the completion of the planning process, the criteria are structured to provide the flexibility needed to accommodate the unique characteristics of each state's system of higher education.

HEW's new criteria are divided into four major sections. They are:

1. Disestablishment of the structure that has perpetuated the dual system of higher education.
2. Desegregation of student enrollment on a statewide basis to maximize access and completion for black students at all levels.
3. Desegregation of faculty, administrative staffs, non-academic personnel and governing boards.

4. Commitments of the state to subject to a monitoring and evaluation process designed to see that progress is made toward stated goals and objectives.[8]

One of the most significant and important aspects of HEW's criteria is the historic sections requiring states to include in their desegregation planning ways and means to strengthen and enhance their traditionally black colleges. No other federal regulation or laws acknowledges or names black colleges as the recipients of special treatment to build and expand their role as providers of educational opportunities for blacks and other minorities. Specifically, the criteria require the Adams states to indicate steps and commitments they will take to make their black colleges full partners in the system. In this regard, the criteria says acceptable plans must include:

1. Commitments that necessary improvements (e.g., academic programs, facilities) will be made to permit historically black institutions to fulfill their defined mission.

2. Commitments that traditionally black institutions have resources comparable to system institutions having similar missions.[9]

Other major criteria provisions cited to strengthen and enhance black colleges require states to "eliminate educationally unnecessary program duplication between black and white institutions in the same service area. Any program elimination, emphasizes the criteria, cannot be imposed at the expense of the black college". Additionally, the criteria require states to give public black colleges (consistent with their mission) priority consideration in developing and placing new graduate and professional programs.[10]

Because the Adams court acknowledged that desegregation posed a threat to black colleges as a result of the precarious positions which they occupy in state systems, the court strongly emphasized that the planning process not require black colleges to bear a disproportionate responsibility for implementing desegregation. This stance taken by the court constitutes the strongest legal effort taken to protect the survival of black colleges as viable contributors to the delivery of educational services in state systems.

The court's concern for protecting the interests of black colleges in the planning process, as the criteria suggest, actually originated during the deliberations of the Adams Appeals Court in 1973. In that year, the court, in its opinion upholding the plaintiffs, acknowledged the amicus brief filed by the National Association for Equal Opportunity in Higher Education (NAFEO), an organization representing the presidents of historically black colleges.

> A predicate for minority access to quality postgraduate programs is a viable, coordinated statewide education policy that takes into account minority students and black colleges.[11]

The Appeals Court's opinion regarding black colleges was buttressed by the United States District Court for the District of Columbia's order of April 1, 1977.

> ...These black institutions currently fulfill a crucial need and will continue to play an important role in black higher education....The desegregation process should take into account the unequal status of the black colleges and the real danger that desegregation will diminish higher education opportunities for blacks....it is the responsibility of HEW to devise criteria for higher education desegregation plans which will take into account the unique importance of black colleges and at the same time comply with the Congressional mandate.[12]

The life of the desegregation planning process is supposed to conclude in 1982-83. By this time the process should be well into the implementation stage. If the states, however, somehow default in meeting the requirements of the criteria or in keeping commitments to desegregate their systems, then HEW's Office for Civil Rights (OCR) will begin administrative proceedings against them that could result in: (1) termination of outstanding grants of federal funds; (2) refusal to renew federal grants; or (3) halt consideration of applications for additional funding.

The Criteria's Shortcomings

Although HEW's criteria constitute a blueprint that, if followed, will achieve more and better educational opportunities for blacks and other minorities, the criteria, like all educational policy documents, contain weaknesses. One of the primary weaknesses of the criteria is contained, interestingly enough, in the sections calling for the strengthening and enhancing of black colleges.

Despite the court's requirement that the special needs of black colleges be addressed so that they become equal partners in the state system, the criteria suggest that states do not have to develop the "Marshall Plan" that is needed to fulfill the court's dictates. For instance, the criteria require states to provide black colleges, in their planning processes, with programs, course offerings, facilities, and resources at least comparable to those at white institutions in the system. However, black colleges are being compared to white institutions that occupy low positions (e.g., baccalaureate offerings only) in state systems of higher education. Without question, this is unfair application of the comparability test, when one considers that black colleges were established by states as "flagship" institutions for blacks under "Separate but Equal". The limited role and scope imposed upon black colleges by states under Adams must be expanded if the vestiges of dualism are to be eliminated. If states are having difficulty deciding how to strengthen and enhance black colleges, they must begin by responding to the question: What should black colleges look like today and what role would they play in a state system if they had been truly supported under Separate but Equal? To the extent states compare black colleges with white colleges at the low end of the system, this question cannot be addressed.

Secondly, the criteria do not adequately challenge white institutions to increase the numbers of blacks attending at the undergraduate and graduate levels. No state, for example, is required to increase black admissions by more than 150 percent above the admissions rate for the academic year preceding the year in which the plan is requested by HEW. This goal is insufficient, since the number of blacks presently enrolled in predominantly white colleges in the Adams states remains so small. (See Figure 1).

Thirdly, the criteria are not demanding enough in requiring states to increase black participation throughout their system in the positions of faculty, administration, staff, and governing boards. Rather, the criteria have provided the states with the cloak of "relevant labor market", behind which they may hide. ("Labor market area" is the geographical area in which an institution or campus traditionally recruits or attracts applicants). What is needed, of course, are stronger commitments that the states will increase the size of the pool from which black applicants for position vacancies can be drawn.

Another weakness of the new criteria is their failure to regard the desegregation process as part of a comprehensive long-range plan that provides meaningful and constructive approaches in the delivery of educational services that augment and complement state master-planning processes. Desegregation planning under the new guidelines cannot be deemed effective unless it considers the total planning process. The Adams states should, however, regard their response to the mandate as an opportunity to truly develop and implement a comprehensive educational plan that meets the needs of all citizens.

Perhaps the most glaring weakness of the criteria is the fact that they suggest the desegregation process should be completed by 1982-83. No provisions are made for insuring that the states keep and meet the commitments made in their planning process beyond 1982-83. If one considers the experience

FIGURE 1

BLACK PARTICIPATION IN SIX STATES' PUBLIC HIGHER EDUCATION
(Fall, 1976)

	North Carolina		Georgia		Virginia		Arkansas		Florida		Oklahoma	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
FULL-TIME UNDERGRADUATES												
1. % of High School Graduates Going on to College	White rate 12% greater than Black		White rate 16% greater than Black		White rate 17% greater than Black		parity		Near parity*		parity	
2. Traditional Black Institutions (TBI)**	97%	3%	95%	5%	98%	2%	88%	12%	92%	8%	98%	2%
3. Four-year Traditional White Institutions (TWI)	5%	95%	9%	91%	5%	95%	12%	88%	6%	94%	5%	95%
a. Flagship Institutions***	6%	94%	4%	96%	4%	96%	4%	96%	5%	95%	5%	95%
b. Other Four-year Institutions	5%	95%	11%	89%	5%	95%	15%	85%	4%	96%	6%	94%
4. Two-year Institutions	25%	75%	20%	80%	19%	81%	22%	78%	17%	83%	11%	89%
5. All TWIs	14%	86%	12%	88%	9%	91%	13%	87%	13%	87%	7%	93%
6. % of College-going Blacks at TBIs	45%	X	42%	X	50%	X	35%	X	20%	X	17%	X
7. % of College-going Blacks at 4-year TWIs	12%	X	35%	X	18%	X	51%	X	26%	X	48%	X
8. % of College-going Blacks at two-year Institutions	43%	X	23%	X	33%	X	14%	X	55%	X	35%	X
FACULTY												
9. TBIs	69%	31%	77%	23%	71%	29%	85%	15%	68%	32%	74%	26%
10. Four-year TWIs	3%	97%	2%	98%	2%	98%	2%	98%	3%	97%	2%	98%
a. Flagship Institution	5%	95%	1%	99%	1%	99%	1%	99%	2%	98%	2%	98%
b. Other Four-year Institutions	2%	98%	2%	98%	2%	98%	2%	98%	4%	96%	2%	98%
11. Two-year Institutions	6%	94%	7%	93%	5%	95%	10%	90%	8%	92%	4%	96%
12. All TWIs	4%	96%	3%	97%	2%	98%	3%	97%	5%	95%	2%	98%
State Population	22%	77%	26%	73%	19%	80%	17%	82%	14%	85%	7%	89%

* Based on four-quarter enrollment figures

** TRADITIONALLY BLACK INSTITUTIONS

North Carolina

Elizabeth City State College
Fayetteville State University
N. Carolina A&T University
N. Carolina Central University
Winston-Salem State University

Georgia

Albany State College
Fort Valley State College
Savannah State College

Virginia

Norfolk State College
Virginia State College

Arkansas

University of Arkansas, Pine Bluff

Florida

Florida A&M University

Oklahoma

Langston University

*** FLAGSHIP INSTITUTIONS

North Carolina -- University of N. Carolina, Chapel Hill
Georgia -- University of Georgia, Athens
Virginia -- University of Virginia, Charlottesville
Arkansas -- University of Arkansas, Fayetteville
Florida -- University of Florida, Gainesville
Oklahoma -- University of Oklahoma, Norman

SOURCE: Office for Civil Rights, 1978

of implementing Brown with "all deliberate speed" and the complexity of the governance structure that exists in higher education, provisions should have been made acknowledging that the planning and implementation of the desegregation process will go beyond 1982-83.

The Criteria As Blueprint

After engaging in what has seemed like endless negotiations and "shuttle diplomacy", all six statewide plans (i.e., Arkansas, Florida, Georgia, North Carolina, Oklahoma, Virginia) by early 1979 had been accepted by OCR. The Florida and North Carolina plans, however, were accepted provisionally, pending the completion of studies by these states on (a) existing program duplication between proximate black and public institutions; and (b) methods to strengthen and enhance their public black colleges.[13]

The reactions to the decisions emerging out of the desegregation planning process have been mixed. With some exceptions,[14] black educators feel that the new criteria, if followed and implemented by the A ns states, will constitute a great stride towards achieving parity and equ for blacks in public higher education. On the other hand, educatio officials in the affected states have indicated their displeasure at being dictated to by the federal government in areas which constitutionally have been the provinces of the states. Additionally, these officials have indicated their reluctancy to commit themselves to plans that require additional financial resources to implement, because legislatures have stipulated that state resources will not be available for educational purposes during this period of rapid inflation and contraction.[15] The reluctancy to commit additional resources is illustrated by the Adams states' tendency to underfund efforts designed to strengthen and enhance black colleges. The displeasure and uncertainty expressed by state officials and legislatures, and the tentative nature of the commitment made, many fear, may result in a new round of Adams litigations.

Concern also exists over the role of the federal agencies, namely HEW, in carrying out the mandate of the court. Of particular concern is the issue of the consistency and vigor applied in carrying out the Adams mandate, something the federal bureaucracy is not known for. For example, officials of the Office for Civil Rights who are committed to desegregation and who are supporters of the Adams mandate may not remain in office during the duration of the desegregation process because of changes in the political climate in which the officials operate. The likelihood of federal officials not committed to the desegregation mandate being put in charge of agencies like OCR as a result of changing political philosophies remains a reality.[16]

Meanwhile, present federal officials, particularly those charged with the responsibility of monitoring and evaluating the planning process, are concerned that states may delay implementation of approved plans because of political rather than educational motivations. The delays experienced in obtaining an acceptable plan from North Carolina is largely attributive to actions taken by North Carolina's education officials to prevent what they feel is unjust intrusion into matters that can only be handled by the state. The state opposition to developing an acceptable desegregation plan is reminiscent of the nulification crisis before the Civil War.

One of the real tests to determine whether the criteria, in spite of their shortcomings, constitute a vehicle to realize equal educational opportunity and attainment may be witnessed in the planning processes that impact black colleges. Although alluded to earlier, the response of the Adams states in fulfilling HEW criteria requirements that black colleges be strengthened and enhanced at best can be termed inadequate. The intervening problems of protection of "turf" and historically guaranteed interests have caused state desegregation planning to become highly politicized. As a result, new program development and implementation strategies designed to strengthen

and enhance black colleges seldom follow needs-based analyses and manpower directions; rather, they represent palliatives and holding actions.[17]

The desegregation plan submitted by Georgia is indicative of the politicization of the Adams states' response to the mandate. The attention given to the black colleges by the plan focused almost entirely on elimination of unnecessary program duplication for the purpose of increasing the numbers of blacks attending white schools. For example, the proposed transfer of education programs by Georgia's Board of Regents from historically black Savannah State College, a residential institution, to predominantly white Armstrong State College, whose location is considered urban, will no doubt result in large numbers of blacks who traditionally pursue careers in fields of education enrolling at Armstrong. The business programs going to Savannah state may not necessarily attract more white students, as another option exists at nearby predominantly white Georgia Southern College. The transfer of programs by the Regents does not suggest that decisions will impact significant, educational outcomes that meet the needs of Georgia's citizens, nor that historically black colleges will be strengthened. Rather, the Regents' response suggests their concern was primarily on the "movement of bodies" and not on realizing the objectives of the Adams' mandate.[18]

The response of the Regents in Georgia to addressing the needs of its black colleges bears a remarkable similarity to the planning conducted by other Adams states. Examples of the "give the black colleges any program approach" by state governing bodies can also be found in the Florida plan. Although historically black Florida A&M University received new planning authorization for programs in business education and landscape design, the state almost completely emasculated the institution's programs in agriculture and home economics, the heart of FAMU's land-grant functions.

The mandate of the Adams case places black colleges in direct competition with predominantly white institutions for students, faculty and facilities. This competition, while healthy, presents problems to black colleges that lack experience in responding to the new realities of the desegregation process. One of the problems that must be faced is the extent to which the desegregation process redefines the role and scope these colleges will play in desegregated systems. Black colleges, for example, must take advantage of the present opportunities to seek full participation in the planning process that will determine their future. As NAFEO's amicus brief suggested in the Adams court, these institutions can no longer think of themselves as protected species, isolated from the desegregation process.

The new demands being placed upon black colleges by desegregation are unavoidable, and black colleges will be required to improve their internal governance mechanisms,[19] recruitment schemes, retention strategies and sharpen their communication flow systems. More importantly, black colleges must launch an offensive that defines the roles these institutions must play in a society experiencing slow and go growth.

Making the Blueprint A Reality

The Adams mandate provides states, for the first time in history, with a golden opportunity to consolidate the diversity of the public higher education enterprise to address the issue of planning for the educational needs of society and addressing aspirations of all citizens. While the plans focus on meeting the court mandate, they in effect represent the chance to develop a new educational philosophy that truly addresses issues of equal opportunity and attainment.

HEW, of course, is not required to demand plans based upon pre-determined planning procedures for new program installation, nor is it required to conduct the planning of desegregation itself (though in a technical sense its acceptance or rejection of desegregation plans results in its interpretation

of whether states are doing good planning under the criteria). Rather, HEW's responsibility under the Court Order is to enforce Title VI of the 1964 Civil Rights Act. There are ways of getting at the development and implementation of comprehensive desegregation planning that solicits total institutional input and avoids the struggle over "turf". For example, state educational officials should make more use of 1) industry/occupation matrices drawn up by local labor departments; 2) the derivation of occupational projections in cooperation with other appropriate agencies; 3) the carrying out of occupational and personal needs analyses; and 4) the conduct of demographic and economic studies to be correlated with present and future conditions. The use of these invaluable data sources would contribute to rational academic decision-making in the development of institutional missions and roles, enabling the state to better plan for the civilian institutional population over 16 as well as respond to the desegregation mandate.

The conduct of this kind of needs analysis as a planning backdrop would be especially beneficial to black colleges seeking to be enhanced and strengthened in the desegregation process. No doubt the needs assessment would result in the states providing black colleges with post-baccalaureate programs that focus on societal problem-solving, urban administration, health-related problems, and programs based on human resource development. It is important to speak of post-baccalaureate roles for historically black public colleges if they are to be strengthened and enhanced. Otherwise, their growth and ultimate social and economic value will remain limited and their access to research dollars permanently cut off.

States must do more to increase access for blacks to white institutions. Just because attention is focusing on black colleges does not imply that white institutions are to be relieved of their responsibility 1) to provide access to blacks and other minorities and 2) to increase their rates of completion. The governance structure in the Adams states must insure that

blacks are governors as well as the governed.

States must also consider the use of measures to upgrade cognitive and effective outcomes for students who are classified as socio-economically disadvantaged[20] and who attend black or white institutions. Instructional management procedures need to be mandated in the planning process in order to insure that developmental and remedial efforts will be successful. In this regard, it is especially crucial that whites and blacks not think of the contribution of black colleges to be merely places where disadvantaged students are remediated.

The Adams states can also assist black land-grant colleges in particular to further develop their historical missions and roles--for example, to assume greater public service and basic research responsibilities.[21] In this regard, the present desegregation plans suggest that states are not making proper use of black land-grant colleges whose missions are intact and whose development, unfortunately, has been historically stunted. These considerations are the kinds demanded by the rigor of conducting a needs analysis against which comprehensive long-range academic planning can be carried out. These considerations must be dealt with by the Adams states if the intended outcomes of the desegregation process are to become realities.

Summary

Although the new criteria insist that states adhere to goals and timetables, it is reasonable to assume that the desegregation process will take longer to complete than five years. The complexity of higher education, coupled with the uncertainty of political, financial, legal, and moral commitments to higher education, suggests that the desegregation of higher education will not be conducted with "all deliberate speed".[22] Nevertheless, the Adams mandate provides, for the first time in history, a blueprint for elimination of the dual system and for providing more and better educational opportunities for blacks and other minorities. The mandate, explicated

in HEW's new criteria, represents the most comprehensive effort to date to achieve the goals of equal educational opportunity and increase the participation and completion rates of blacks in higher education systems.

Had it not been for the Adams litigation, the unwavering commitments by the NAACP Legal Defense Fund to equity and parity, the concerns of NAFEO to strengthen and enhance a vital educational resource,[23] and the present enforcement efforts by OCR, the continuation of the disparities and inequities promoted under segregation, which worked against the achievement of social justice for blacks, would be assured. The Adams mandate, if implemented[24] and supported, however, will go a long way toward elimination of what DuBois noted as the problem of the twentieth century: the "Color Line".

1. For an excellent reference on the Adams case, see Leonard L. Haynes, III, A Critical Analysis of the Adams Case: A Sourcebook, Washington, D.C., Institute for Services to Education, 1978.

2. Crystal C. Lloyd, Adams vs. Califano, A Case Study In the Politics of Regulation, Cambridge, Mass: Sloan Commission on Government and Higher Education. Revised 1978.

3. Brown vs. Board of Education, 347 U.S. 483 (1954).

4. It is interesting to note that the Brown decision resulted from legal victories won by the NAACP Legal Defense Fund in higher education. See, e.g., Missouri ex. rel. Gaines vs. Canada, 305 U.S. 337 (1938); Sipuel vs. Board of Regents, 322 U.S. 631 (1943); Sweatt vs. Painter, 339 U.S. 629 (1950); McLaurin vs. Oklahoma State Regents for Higher Education, 339 U.S. 637 (1950).

5. The Adams case initially involved ten states--Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania and Virginia--because these were states which HEW had found to be in non-compliance and which HEW subsequently had notified of their obligation to submit higher education desegregation plans. Mississippi, Maryland, Louisiana and Pennsylvania, because of the Adams case, have become involved in separate legal actions.

6. Christopher Jencks and David Riseman, The Academic Revolution, New York: Doubleday and Co., 1968. pp. 406-479.

7. James Mingle, Black Enrollment in Higher Education: Trends in the Nation and the South. Atlanta: Southern Regional Education Board, 1979. Also see Mary C. Williams, Profile of Enrollments in the Historically Black Colleges, Washington: Institute for Services to Education, 1978.

8. See The Federal Register, Vol. 43, No. 32, 1978, pp. 6658-6664.

9. Ibid.

10. Ibid.

11. 480 F 2d 1159 (D.C. Cir 1973).

12. Adams vs. Califano, Civil Action No. 3095-70, United States District Court for the District of Columbia, Second Supplemental Order, April 1, 1977.

13. It is anticipated that Florida's and North Carolina's desegregation plans will be accepted and approved by the end of 1979.

14. For instance, the five black chancellors of North Carolina's public black colleges have sided with North Carolina system's officials in opposing the demands for desegregation. See The New York Times, February 5, 1979.

15. See "State Colleges Confronting the Politics of Frugality". The Chronicle of Higher Education, Vol. XVII, No. 23, 1979, pp. 1, 10.

16. Former Director of HEW's Office for Civil Rights, Martin Gerry, admitted in 1975 that his office had done nothing to enforce Title VI because they had not been so ordered.

17. The Court Order requires that all desegregation plans accepted by HEW must meet the approval of LDF. If LDF does not approve the plans then HEW must reject the state's submission and require the state to resubmit an acceptable plan.

18. For an analysis of the Georgia Desegregation Plan see Leonard L. Haynes, III, editor. An Analysis of the Arkansas-Georgia Statewide Desegregation Plans, Washington, D.C.; Institute for Services to Education, 1979. See Marvin W. Peterson, et al. Black Students on White Campuses: The Impacts of Increased Black Enrollments, Ann Arbor, Michigan: University of Michigan's Institute for Social Research, 1978.

19. See Arthur Van Gundy and Leonard L. Haynes, III. "A Comparison of Black and White College Presidents Using Fiedler's Contingency Model of Leadership Effectiveness." The Journal of Negro Education, Vol. XLVII, No. 3, Summer 1978.

20. A similar challenge is issued by Willie and Hedgepeth. See Charles V. Willie and Chester M. Hedgepeth, "The Educational Goals of Black Colleges," The Journal of Higher Education, Vol. 50, No. 1, 1979, pp. 88-96.

21. As early as 1960, the U.S. Commission on Civil Rights analyzed the inferior status of public black land grant colleges when compared to their white counterparts and concluded:

> Research in an educational institution is more than the end product; it is the lifeblood of the institution itself. Funds for research enable an institution to attract outstanding scholars as faculty members and thus improve the educational program.

See Equal Protection of the Laws in Public Higher Education. A report of the U.S. Commission of Civil Rights. Washington; U.S. Government Printing Office, 1960, p. 217.

22. For instance, the recent Bakke decision legitimizes the use of discretion in higher education in a broad way. Unfortunately, Bakke also means that there can be no guarantee that higher education will use discretion to increase the access for blacks and other minorities to baccalaureate and post-baccalaureate opportunities.

23. It is significant to note that President Carter ordered federal agencies to take immediate steps to strengthen black colleges by allowing them to take a larger part in government programs. The President explained that "the continuing importance of historically black colleges, not only to students but also to this nation's social, economic, and educational life cannot be overestimated." See The Chronicle of Higher Education, January 22, 1979, p.17.

24. Status of Other States with Dual Systems of Higher Education: There are nine remaining states which had compulsory segregation in higher education or institutions specifically designated for blacks or whites (Alabama, Delaware, Kentucky, Missouri, Ohio, South Carolina, Tennessee, Texas, and West Virginia). HEW has recently completed Title VI compliance Reviews in Texas, Delaware, and Alabama and is in the process of reviewing the results. Compliance reviews for FY79 are scheduled for Missouri, Pennsylvania, South Carolina, Kentucky, Ohio, and possibly West Virginia. If it is determined that these states have not eliminated the remaining vestiges of segregation in their systems of higher education, they may be required to submit desegregation plans to meet the 1978 criteria. Tennessee is appealing a district court order requiring that Tennessee State University (the traditionally black institution) and the University of Tennessee at Nashville be merged into one university.